

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VONDELL BANKERT, *et al.*,

No. C-13-4003 EMC

Plaintiffs,

v.

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY**

BRISTOL-MYERS SQUIBB CO., *et al.*,

(Docket No. 11)

Defendants.

Plaintiffs have filed suit against Defendants for, *inter alia*, strict liability, negligence, breach of warranty, and fraud. The claims are all related to the ingestion of a drug known as Plavix. Those defendants who have appeared (*i.e.*, Bristol-Myers and the Sanofi entities) have moved the Court to stay proceedings in this case because they have “tagged [the] case for transfer [to the Plavix MDL] and anticipate that the JPML will issue a conditional transfer order for [the] case soon.” Mot. at 5. Moving Defendants note that twelve different judges in this District – including the undersigned – have granted stays in similar Plavix actions pending transfer to the MDL. *See* Reply at 2. Moving Defendants also note that the JPML has, for many similar Plavix cases, issued conditional transfer and/or transfer orders.

As Moving Defendants note, this Court previously granted a stay in multiple cases pending a decision by the MDL as to whether the cases should be part of the Plavix MDL. *See* Docket No. 11 (Ex. D) (order in *Kinney v. Bristol-Myers Squibb Co.*, No. C-12-4477 EMC (N.D. Cal.) and related cases). Other judges in this District have done the same. The reasoning in those cases is largely

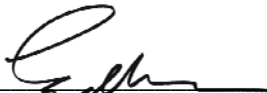
1 applicable here, and Plaintiffs have failed to convince the Court that a stay would otherwise be
2 inappropriate.

3 Accordingly, the Court hereby **GRANTS** Defendants' motion to stay. Plaintiffs' motion to
4 remand is deferred until after the JPML decides whether the case should remain here or be
5 transferred to the Plavix MDL. The hearing on both the motion to stay and the motion to remand is
6 hereby **VACATED**.

7 This order disposes of Docket No. 11.

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9 IT IS SO ORDERED.

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11 Dated: October 10, 2013

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14 EDWARD M. CHEN
15 United States District Judge
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